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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,429	08/07/2006	Aloys Wobben	970054.494USPC	1461
500 7590 10/20/2008 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104				
EXAMINER GONZALEZ, JULIO C				
ART UNIT		PAPER NUMBER		
2834				
MAIL DATE		DELIVERY MODE		
10/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,429

Applicant(s)

WOBBEN, ALOYS

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 09/28/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II in the reply filed on 08/21/08 is acknowledged. A second analysis to the claims was done and it was found that claims 1 – 5 can be incorporated. Thus this Office Action will take into consideration claims 1 – 16.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the data processing apparatus, display device, plurality of wind turbines and control system coupled to the first and second detectors must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be

removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR

1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what is meant by "fresh positions of the sun for further immission points are adapted to be stored". Are the positions of the sun being updated and replaced by new values?

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 7, 9, 10, 13 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wobben (6,661,111) in view of Brinkmann (DE 19928048).

Wobben discloses a method/apparatus for a wind turbine using a light sensor (column 3, lines 51, 51) for detecting the light intensity and shutting down the wind turbine at predetermined sun values (see abstract). Also, an input display is used (column 1, lines 50 - 53) and the sun values can be replaced by new ones (column 2, lines 48 - 50). Also, the wind turbine is controlled at above/below light intensity values (column 3, lines 19 – 43). Moreover, it is disclosed that the light intensity is measured over a certain time (see claim 6).

However, Wobben does not disclose using a plurality of sensors.

On the other hand, Brinkmann discloses for the purpose of preventing nearby buildings from being subjected to unpleasant flickering shadows cast by rotor blades, a wind turbine (see figure 4) having light sensors 23, 24 (see figure 2) and such light sensors being coupled to controller 6, 7 (see figure 4) and light

sensor 23 measuring a first light intensity and sensor 24 measuring a shadowed light intensity (see machine translation of German document DE 19928048). Also, it is disclosed that the wind turbine is controlled based on the difference between the input light from sensors 23, 24 (see figure 3 & machine translation of German document DE 19928048).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the wind power installation as disclosed above and to modify the invention by using a plurality of light sensors for the purpose of preventing nearby buildings from being subjected to unpleasant flickering shadows cast by rotor blades as disclosed by Brinkmann.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wobben and Brinkmann as applied to claim 6 above, and further in view of Eriksson et al (6,479,907).

The combined wind turbine discloses all of the elements above. However, the combined wind turbine does not disclose a wind farm having a plurality of wind power installations.

On the other hand, Eriksson et al shows for the purpose of obtaining a maximum output power that it is known in the art to a wind farms with a plurality of wind power installations (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind power installation as disclosed above and to modify the invention by having a plurality of wind power installations for the purpose of obtaining a maximum output power as disclosed by Eriksson et al.

8. Claims 8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wobben and Brinkmann as applied to claim 6 above, and further in view of Duhamel (US 7,245,039) & Ordinary Skill in the Art.

The combined wind turbine discloses all of the elements above. However, the combined wind turbine does not disclose having sensors around a wind power installation.

On the other hand, Duhamel discloses for the purpose of maintaining a constant output rotation in wind turbines, a wind power device 801, 110 having three or more sensors 810 arranged around the wind power installation (see figure 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind power installation as disclosed above and to modify the invention by having a plurality of sensors around a wind power installation for the purpose of maintaining a constant output rotation in wind turbines as disclosed by Duhamel.

Moreover, using the teachings of Wobben and Brinkman by using light sensors, it would have been obvious to one having ordinary skill in the art at the time the invention was made to design a wind turbine by having three light sensors, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung can be reached on 571-272-8188. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julio C. Gonzalez/
Primary Examiner, Art Unit 2834

October 15, 2008

/J. C. G./
Primary Examiner, Art Unit 2834